

U.S. Serial No.: 09/827,613

REMARKS

This reply is responsive to the Office Action mailed on May 19, 2005. A request for a three-month extension of time is included with this response. Claims 1-3, 5-10, 16 and 18-28 are pending in the application. Claim 1 is amended to recite elements initially recited in claim 4. Claim 16 is amended to depend from independent claim 1. Claims 27 and 28 are amended to depend from independent claim 26. Claims 4, 11-15 and 17 are canceled without prejudice. Reconsideration in light of the following remarks is respectfully requested.

I. Drawings

Figures 4, 8, 10, 12, 13 16C and 17 were objected to by the Examiner because they included reference character(s) not mentioned in the Specification. The Specification is amended by this Response to address the Examiner's objections. With respect to element 1012 of Fig. 10, no amendment to the Specification was needed since this element was already mentioned in the Specification in paragraph 0078. The Applicant respectfully requests withdrawal of the objection to the drawings.

II. Specification

The disclosure was objected to by the Examiner because of certain informalities. The Specification has been amended to address the aforementioned objection. The Applicant respectfully requests withdrawal of the objection to the Specification.

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III. Claim Objections

Claims 27 and 28 were objected to because of certain informalities. The Examiner believes that claims 27 and 28 should depend from claim 26. Claims 27 and 28 have been amended to address the Examiner's concerns. The Applicant respectfully requests withdrawal of the objection to the Specification.

IV. Rejection under 35 U.S.C. § 102

Claims 1-3 and 5-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by McMullan, Jr., et al. (U.S. Patent No. 5,654,746, issued August 5, 1997) (McMullan). Applicant respectfully disagrees. Claims 11-15 and 17 are canceled by this Response rendering their rejection moot.

McMullan discloses a game delivery service. Specifically, McMullan discloses a Pay-to-Play (PTP) video game delivery service. "Pay-To-Play is defined as the vending, on an individual or group basis, of game software for either specific play dates ("Rental" mode) or for specific playtime intervals ("Arcade" mode). For example, transactions may be individually addressed or addressed to a group address or globally addressed as is well known in the art of cable subscription television services. In the Rental mode, the subscriber purchases the right to download and play a game (or group of games) via game adapter 177 on an unlimited basis during a specific period of calendar time. The rental period is typically in terms of one or more days. In the Arcade mode, the subscriber purchases the right to download a specific game (or, alternately, a group of games) an unlimited number of times and to use the game(s) for a specific amount of playtime. The playtime is based on the actual amount of time that the game is played as opposed to

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clock/calendar time. The player is not penalized for stopping and starting the game or switching among games. For example, arcade play in the Arcade mode may be sold in increments of as little as one minute of playtime.” (McMullan; col. 10, line 58 – col. 11, line 12)

The Examiner’s attention is directed to the fact that McMullan fails to disclose that “the executing step comprises a step of querying a user of the content receiver for purchase of the object”, as recited in Applicant’s independent claim 1. Specifically, claim 1 recites:

1. A method for securing an object associated with a content receiver that is part of a conditional access system, the method comprising steps of:
 - receiving the object by the content receiver;
 - loading the object into memory;
 - beginning a timer counting;
 - determining when the timer expires;
 - executing an event that correlates to the determining step wherein the executing step comprises a step of querying a user of the content receiver for purchase of the object;
 - and
 - changing an authorization status based, at least in part, upon the determining step.(emphasis added)

The present invention discloses authentication and authorization epochs. According to one embodiment of the invention, a free preview of an object in security level six is illustrated. The trial period for the object may be defined by a number of uses or some other measurement. For example, a software program could be loaded twice before requiring purchase. In one embodiment, completion of the sample, e.g. trial, period is determined by noting when the usage counter reaches its upper bound. When the limit is reached, the trial period authorization is expired. The user is given the option

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to purchase the object while authorization of the application is suspended. Purchase will reinstate authorization.

In contrast, McMullan discloses teaches a PTP game delivery service. Games may be purchased in rental mode or arcade mode. In either case, the user must purchase the right to download the game before the game is received at the video game adapter. McMullan requires a subscriber to pay before a game may be downloaded by the subscriber in its PTP system. The Examiner concedes that McMullan fails to disclose that "the executing step comprises a step of querying a user of the content receiver for purchase of the object". In fact, it could be argued that McMullan, in addition to failing to teach the querying step of claim 1, actually requires an additional step of requiring a subscriber to pre-pay before content is downloaded.

It should be noted that McMullan allows for the downloading of free games. However, since McMullan teaches that these games are free, there is absolutely no teaching, disclosure, or suggestion that the subscriber be queried to purchase the free games at a later time.

In view of the foregoing, Applicant submits that independent claim 1 is patentable over McMullan. As such, claims 2, 3, 5-10, and 16 are patentable at least by virtue of depending from their respective base claim. Applicant respectfully requests withdrawal of the rejection.

V. Rejection under 35 U.S.C. § 103

Claims 4 and 18-28 stand rejected under 35 U.S.C. § 103 as being obvious over McMullan in view of Smith et al. (U.S. Patent No. 5,581,270, issued December 3, 1996) (Smith). Applicant respectfully disagrees.

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Claim 4 is canceled by this Response, thereby rendering its rejection moot. Since canceled claim 4 depended directly from independent claim 1, independent claim 1 will be discussed with respect to the McMullan and Smith references. The Examiner's attention is directed to the fact that McMullan and Smith fail to disclose what is recited in independent claims 1, 18, and 26. Specifically, claims 1, 18, and 26 recite:

1. A method for securing an object associated with a content receiver that is part of a conditional access system, the method comprising steps of:
receiving the object by the content receiver;
loading the object into memory;
beginning a timer counting;
determining when the timer expires;
executing an event that correlates to the determining step wherein the executing step comprises a step of querying a user of the content receiver for purchase of the object;
and
changing an authorization status based, at least in part, upon the determining step.
(emphasis added)

18. A method for securing an object associated with a content receiver that is part of a conditional access system, the method comprising steps of:
receiving the object by the content receiver;
loading the object into memory;
beginning a timer counting;
determining when the timer expires;
querying a user of the content receiver for purchase of the object after the determining step; and
changing an authorization status based, at least in part, upon the determining step.
(emphasis added)

26. A method for securing an object associated with a content receiver that is part of a conditional access system, the method comprising steps of:
receiving the object by the content receiver;
loading the object into memory;
beginning a usage counter counting;
determining when the usage counter reaches a limit;
querying a user of the content receiver for purchase of the object after the determining step; and
changing an authorization status based, at least in part, upon the determining step.
(emphasis added)

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The Examiner concedes that McMullan fails to disclose that “the executing step comprises a step of querying a user of the content receiver for purchase of the object”. In order to cure the Examiner’s perceived deficiency of McMullan, Smith is cited.

Smith discloses a video game/communications system is disclosed which permits guest room guests to actively participate in video game play or to use other data processing/communication services. A multi-tasking master host computer stores video games and other application programs on its hard disk, downloads programs to an array of SNES game playing engines in response to guest selections. Each guest room guest room includes a terminal device which is coupled to the guest’s color television and to a game controller. By pressing a game controller menu key, the guest room guest initiates the downloading of applications software by the host computer to the array of SNES engines located within the guest room. A downloaded applications program generate a display menu which appears on the guest’s television. The display menu permits each guest room guest to select between various operating modes (identified, for example, by displayed icons), including movies, games, shopping, survey forms, language selection, communication/data processing services, etc. If a user opts for video game play, then the available game titles and/or descriptions thereof are displayed. (Smith, Abstract)

As argued above in Section IV., McMullan fails to teach, disclose, or suggest that “the executing step comprises a step of querying a user of the content receiver for purchase of the object”, as recited in Applicant’s independent claim 1. As stated above in Section IV., McMullan requires a subscriber to pay before a game may be downloaded by the subscriber in its PTP system. In addition to failing to teach the querying step of claim 1, McMullan actually requires an additional step of requiring a subscriber to pre-pay

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before content is downloaded. Smith, like McMullan also requires the additional step of requiring a subscriber to pre-pay before content is downloaded. Smith discloses that a “check is made at block 4072 to determine whether the game playing time exceeds the amount of time purchased. If the time has expired, then a halt command signal is coupled to the associated SNES CPU (4074) and a menu of options is displayed at the room terminal (4076) including an option to buy more time.” (Smith; col. 10, lines 9-15) Both McMullan and Smith require the extra step of purchasing content before it is downloaded. Therefore both McMullan and Smith teach away from what is recited in Applicant’s independent claims.

In view of the foregoing, Applicant submits that independent claims 18 and 26 are patentable over McMullan in view of Smith. As such, claims 19-25, 27 and 28 are patentable at least by virtue of depending from their respective base claim. Applicant respectfully requests withdrawal of the rejection.

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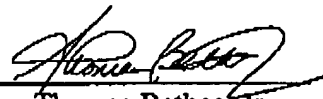
Conclusion

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

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